

**TOWNSHIP TRUSTEES' BULLETIN  
and Uniform Compliance Guidelines**

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June 1995

ITEMS TO REMEMBER

JUNE

- |      |     |   |
|------|-----|---|
| June | 1:  | On or before this date, certify to County Treasurer a list of the name and addresses of all persons who have money due them. (IC 6-1.1-22-14)   |
| June | 5:  | On or about the fifth day of each month the trustee shall file with the secretary of the Township Board of Finance a verified statement which shall reconcile, as of the last day of the preceding month, the balance of public funds as disclosed by his or her records with the statement of the balance made by the depositories. IC 5-13-6-1.   |
| June | 20: | If School Township has become a part of a school corporation organized under Chapter 202, Acts 1959, as amended, and if the reorganized school unit is obligated for civil aid bond retirement, Trustee will receive from the school corporation an amount of money sufficient to pay civil aid bonds and coupons coming due July 1. (IC 20-4-1-35) |

JULY

- |      |     |  |
|------|-----|--|
| July | 1:  | On or before this date the trustee shall supply the county auditor with Township Trustees' Quarterly Poor Relief Report of Actual and Estimated Receipts and Disbursements (Township P.R. Form 8, 1993) as discussed in Township Trustees' Bulletin, Vol. 223, November 1993.  |
| July | 4:  | Independence Day - Legal Holiday (IC 1-1-9-1)  |
| July | 5:  | On or before the fifth day of each month the trustee shall file with the secretary of the Township Board of Finance a verified statement which shall reconcile, as of the last day of the preceding month, the balance of public funds as disclosed by his or her records with the statement of the balance made by the depositories, IC 5-13-6-1. |
| July | 11: | Dog Tax Distribution by Auditor of State - on or before this date the County Auditor makes distribution to townships having reported unpaid claims. (Second Monday in July) (IC 15-5-9-11)   |
| July | 15: | Last day to make pension report and payment for first quarter by townships participating in PERF.  |

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July        31:    Last day to file quarterly report, Form 941, to the Internal Revenue Service for federal and social security taxes for the second quarter.

Last day to make report for second quarter to the Indiana Employment Security Division.

**AUGUST**

NOTE:        The Township Board should set the salaries of township officials and employees except assessing officials and employees, in conjunction with the preparation and completion of the township budget. (Use Township Form 17)

Aug.        5:        On or before the fifth day of each month the trustee shall file with the secretary of the Township Board of Finance a verified statement which shall reconcile, as of the last day of the preceding month, the balance of public funds as disclosed by his or her records with the statement of the balance made by the depositories, IC 5-13-6-1.

Aug.        7:        On the first Monday of each August the Trustee shall post, in a conspicuous place near his office, a verified statement showing the indebtedness of the township in detail and giving the number and total amount of outstanding orders, warrants and accounts. (IC 36-6-4-10)

Aug.        12:      Last day for first publication of Township Budget (10 days prior to the public hearing). (IC 6-1.1-17-3)

Aug.        19:      Last day for second publication of Township Budgets (7 days after the first publication). (IC 5-3-1-2)

Aug.        22:      Public hearing on proposed budget (at least 7 days prior to the adoption of the budget). (IC 6-1.1-17-5)

Aug.        29:      Meeting of Township Board to make appropriations for 1996 and to fix tax levies. (After July 31st and not later than the last Tuesday in August) (IC 6-1.1-17-5)

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**PROCEDURE IN EMERGENCY APPROPRIATIONS**

If the proper officers of any township determine the need for expenditure of more money in the current year than was provided for in the approved annual budget, the following is required:

(1) In all cases of additional appropriations the governing body must meet and determine that they desire to appropriate for the expenditure of more money than was appropriated in the annual budget. When this condition has been determined, notice must be given to taxpayers by publication and posting as required by IC 5-3-1-2(b). Said notice to taxpayers should be made as required by the State Board of Tax Commissioners.

(2) The governing body determines whether to proceed with the proposal. An approval may not be in excess of the amount advertised, but can be less than requested. The governing body must adopt a resolution of additional appropriations.

(3) If a township proposes an additional appropriation from a fund that receives property tax levied under IC 6-1.1, the additional appropriation must be reported to and approved by the State Board of Tax Commissioners. A township may make an additional appropriation without the approval of the State Board of Tax Commissioners if it is from a fund that does not receive property tax, however, those appropriations shall be reported to the State Board of Tax Commissioners.

After the public hearing, the proper officers of a township shall file a certified copy of the final proposal and any other relevant information to the State Board of Tax Commissioners.

(4) Upon receipt of the certified copy of a proposal for additional appropriations, the State Tax Board will, in not less than fifteen (15) days after it receives the certificate, determine (in writing) if sufficient funds are available or will be available. The Tax Board shall limit the additional appropriation to revenues available or to be made available, which have not been previously appropriated.

(5) If the State Board of Tax Commissioners disapproves an additional appropriation under IC 6-1.18-5, the State Board of Tax Commissioners shall specify the reason for its disapproval on the determination sent to the township.

A township may request a reconsideration of a determination of the State Board of Tax Commissioners under this section by filing a written request for reconsideration. A request for reconsideration must: (1) be filed with the State Board of Tax Commissioners within fifteen (15) days of the receipt of the determination by the political subdivision; and (2) state with reasonable specificity the reason for the request. The State Board of Tax Commissioners must act on a request for reconsideration within fifteen ) days of receiving the request.

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**NEW LAWS FOR TOWNSHIPS**

**PUBLIC LAW 10 - HOUSE ENROLLED ACT 74 - EFFECTIVE JULY 1, 1995 EARLY RETIREMENT** Adds IC 2-3.5-4-4.1. Also amends various sections of IC 5-10-5.5 to provide for early retirement provisions for various eligible individuals in the Public Employees Retirement Fund.

**PUBLIC LAW 12 - SENATE ENROLLED ACT 10 - EFFECTIVE - VARIOUS DATES NATIONAL VOTER'S REGISTRATION ACT** Adds IC 3-7-24 to provide each office of the Township Executive is added as a distribution site for registration by mail forms.

**PUBLIC LAW 17 - SENATE ENROLLED ACT 384 - EFFECTIVE MAY 10 AND JULY 1, 1995 CUMULATIVE FUNDS** Adds IC 6-1.1-41 concerning Cumulative Fund Tax Levy procedures.

Also adds a provision to provide a Cumulative Fund established before July 1, 1995 and listed in IC 6-1.1-41-1 expires only if the governing body establishing the fund terminates the fund in a resolution after July 1, 1995, even if: (1) a statute is in effect before July 1, 1995; or (2) the resolution creating the fund establishes an expiration date for the fund.

**PUBLIC LAW - 22 - SENATE ENROLLED ACT 300 - EFFECTIVE JULY 1, 1995 CONFLICT OF INTEREST** Amends IC 35-44-1-3 to add item 7 concerning public servants under the jurisdiction of the State Ethics Commission as provided in IC 4-2-6-2.5.

**PUBLIC LAW 25 - SENATE ENROLLED ACT 1598 - EFFECTIVE VARIOUS DATES PREVAILING WAGES, PROPERTY TAX CONTROLS** Amends IC 5-16-7-1 EFFECTIVE JULY 1, 1995 Concerning contracts awarded by political subdivisions shall pay for each class of work on the project a scale of wages that may not be less than the average construction wage being paid in the county as determined using the most recent data from the Department of Workforce Development available on the date of the determination under IC 5-16-7-1 (b). Item (b) provides for the average construction wage in the county to be set by a committee of five persons. The two additional individuals added are, (1) is a taxpayer who pays the tax that will be the funding source for the project and resides in the county where the project is located. The owner of the project shall make the appointment. The other individual is (1) taxpayer who pays the tax that will be the funding source for the project and resides in the county where the project is located. The legislative body as defined in IC 36-1-2-9 for the county where the project is located shall make this appointment. Also provides IC 5-14-1.5 (Open Door Law) applies to meeting of the committee. Also provides the chapter only applies to projects owned entirely by political subdivisions as defined in IC 36-1-2-13. Current or prospective lease, rental, or purchase agreements shall not be used to determine the applicability of the chapter. The chapter does not apply to projects in which the actual construction costs less than one hundred fifty thousand dollars (\$150,000). Amends IC 5-16-7-4 to define average construction wage.

Amends IC 5-16-10-1 to provide a unit of local government does not include a school corporation or lessor corporation qualifying under IC 21-5-11 or IC 21-5-12.

Makes various changes to IC 6-1.1 concerning assessing.

Adds IC 6-1.1-20-1.1 to define controlled projects.

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**PUBLIC LAW 25 (continued)**

Adds IC 6-1.1-20 to provide various definitions.

Adds IC 6-1.1-20-3.1 regarding published notices concerning property taxes for debt service or lease rentals. After notice a petition requesting a remonstrance process may be filed by the lesser of (A) two hundred fifty (250) owners of real property within the political subdivision; or (B) (10 %) of the owners of real property within the political subdivision. Also provides various time guidelines for the petition process. If a sufficient petition requesting a petition remonstrance process is not filed by the owners of real property, the political subdivision may issue bonds or enter into a lease by following the provisions of the laws related to bonds to be issued or lease to be entered into.

IC 6-1.1-20-3.2 is added concerning sufficient petition processes and a political subdivision may not impose property taxes for debt service or enter into lease rentals without completing certain procedures.

Adds IC 6-1.1-20-3.3 concerning debt or lease rentals without pledging to impose property taxes.

Adds IC 6-1.1-20-5 to provide a required notice must be published in three (3) public places in the political subdivision and published in accordance with IC 5-3-1-4.

Adds IC 6-1.1-30-14.5 to provide the Tax Board shall adopt rules under IC 4-22-2 to limit the basis of payment for services by all professionals, included but not limited to attorneys, architects and construction managers, who work on capital projects, to a fee for service agreement and may not adopt a rule authorizing the basis of payment for the services to be percentage of the cost of the capital project.

Amends IC-8-22-3.5-6 EFFECTIVE - JULY 1, 1995 to require taxing units with the authority to levy property taxes to receive certain notices of airport development zones.

**PUBLIC LAW 26 - SENATE ENROLLED ACT 604 - MAY 3, 1995 REUSE OF FEDERAL MILITARY BASES**

Adds IC 36-7-30 which applies to all units in which all or part of the military base is located and provides for potential reuse of the military bases. Also provides for a "Pilots" for payments in lieu of taxes.

**PUBLIC LAW 27 - SENATE ENROLLED ACT 66 - EFFECTIVE JULY 1, 1995 BOND BANK**

Adds IC 4-23-21-8.4 concerning base or subsidized interest rates.

Amends IC 5-1-14-14 concerning local governmental entities borrowing.

**PUBLIC LAW 31 - HOUSE ENROLLED ACT 1512 - EFFECTIVE JULY1, 1996 UNCLAIMED PROPERTY**

Adds IC 32-9-1.5 on procedures for unclaimed property.

**PUBLIC LAW 35 - HOUSE ENROLLED ACT 1221 - EFFECTIVE JULY 1, 1995 PRICE PREFERENCE**

Amends IC 5-17-6-12.1 to provide a preference under rules adopted under IC 4-13.6-6-2.5

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**PUBLIC LAW 39 - HOUSE ENROLLED ACT 1070 - APRIL 27, 1995 TRANSFER OF PROPERTY** Adds IC 4-20.5-7-7.1 to provide that if a state agency does not accept or reject property within 30 days, political subdivisions within which the property is located may be notified of the availability of the property. Also amends IC 4-25.5-7-10 to provide the state shall give preference to political subdivision requests for the property.

**PUBLIC LAW 40 - HOUSE ENROLLED ACT 1071 - EFFECTIVE JULY 1, 1995 PUBLIC FINANCE STUDY COMMISSION** Adds IC 5-13-9.1 to establish the Commission to review and evaluate relevant public investment statutes.

Also adds IC 8-4.5 concerning transportation corridors and recreation trails programs.

**PUBLIC LAW 46 - SENATE ENROLLED ACT 478 - EFFECTIVE MAY 8, 1995** Adds IC 12-20-6-0.5 to provide a township trustee shall determine whether an applicant or a member of the applicants household has been denied assistants under IC 12-14-1-1, IC 12-14-1-1.5, IC 12-14-2-5.1, IC 12-14-2-5.3, IC 12-14-2-18, IC 12-14-2-20, IC 12-14-2-21, IC 12-14-2-24, IC 12-14-2-26, IC 12-14-2-5, or IC 12-14-5.5. The trustee has no obligation to extend aid to those denied assistance in sections described above. Also provides trustee shall not provide aid to an applicant if they have been convicted of an offense under IC 35-43-5-7 or IC 35-43-5-7.1 (1) if the conviction is a misdemeanor a trustee shall not extend aid to the applicant or household for (1) one year after the conviction. (2) If the conviction is a felony, aid shall not be extended for ten years after the conviction.

Also amends IC 12-20-7-1 to provide a trustee shall send to the county office a copy of the signed consent forms.

IC 12-20-7-2 is amended to provide the county office must provide information required by IC 12-20-7-2(a) not later than fourteen (14) calendar days after obtaining the information.

Also adds IC 12-20-7-4.5 to provide a trustee shall use information received under IC 12-20-7-2 to assist in reducing fraud and abuse in aid programs.

**PUBLIC LAW 48 - SENATE ENROLLED ACT 115 - EFFECTIVE JULY 1, 1995 INDIANA ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS** Adds IC 4-23-24 to establish the Indiana Advisory Commission on Intergovernmental Relations to enhance cooperation between state and local governments.

**PUBLIC LAW 49 - HOUSE ENROLLED ACT 1510 - EFFECTIVE JULY 1, 1995 BONDS** Amends IC 5-4-1-18 to provide that the fiscal body of the township may authorize the purchase of a crime insurance policy endorsed to include faithful performance on a form as might be prescribed by the commissioner of insurance.

**PUBLIC LAW 64 - SENATE ENROLLED ACT 441 - EFFECTIVE JANUARY 1, 1996 LEGAL ADVERTISING** Adds IC 5-3-1-0.4 to provide a new definitions of "Newspapers."

Also adds IC 5-3-1-.06 to define qualified newspapers.

Adds IC 5-3-1-0.7 to define qualified publications.

Amends IC 5-3-1-1 to provided that the cost of public advertising for governmental units after December 31, 1995 and before December 31, 2005, a newspaper or qualified publication may, effective January 1 of any year,

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**PUBLIC LAW 64 (continued)**

increase the basic charges by five percent (5%) more than basic charges that were in effect the previous year. However, the basic charges for the first insertion of a public notice in a newspaper or qualified publication may not exceed the lowest classified advertising rate charged to advertisers by the newspaper or qualified publications for comparable use of the same amount of space used for other purposes. Also provides the public notice advertisements may be submitted by governmental agencies in electronic form if the newspaper or qualified publication is equipped to accept information in compatible electronic form. Also changes definitions of circulation requirements of newspapers or qualified publications. Eliminates the political party provisions.

Political subdivisions shall designate the newspapers or qualified publications to publish notices at the first meeting in January of each year.

If newspapers or qualifying publications become ineligible to publish notices, the political subdivision or school corporation shall designate a replacement at the next meeting.

**PUBLIC LAW 65 - HOUSE ENROLLED ACT 1088 - EFFECTIVE MAY 8, 1995 PERF - DEFERRED CONTRIBUTIONS** Amends IC 5-10-1.1-1 as amended by Public Law 66 item 3 to add section 457 of the Internal Revenue Code. Also amends IC 5-10.2-2-1 to provide "this article does not prohibit a political subdivision from establishing and providing before January 1, 1995, and continuing to provide after January 1, 1995, retirement, disability, and survivor benefits for the public employees of the political subdivision independent of this article if the political subdivision took action before January 1, 1995, and was not a participant in the public employees' retirement fund on January 1, 1995, under this article or IC 5-10.3."

**PUBLIC LAW 66 - SENATE ENROLLED ACT 222 - EFFECTIVE MAY 3, 1995 PERF - DEFERRED COMPENSATION** Amends IC 5-10-1.1-1 to add item 3 to allow an employer to contribute amounts before January 1, 1995, and continue or begin to contribute amounts after January 1, 1995, to a nonqualified deferred compensation plan on behalf of eligible employees subject to any limits and provisions under section 457 of the Internal Revenue Code.

Also amends IC 5-10.2-2-1(b) to provide the same language as noted in Public Laws 65.

**PUBLIC LAW 70 - HOUSE ENROLLED ACT 1194 - EFFECTIVE JULY 1, 1995 FIREFIGHTING EMERGENCY EQUIPMENT REVOLVING LOAN FUND** Adds IC 22-14-5 to create the firefighting emergency equipment revolving loan fund which provides that before applying for a loan a qualified entity must obtain approval of the fiscal unit that contracts with the qualified entity if; (1) the unit is providing more than twenty-five percent (25%) of the revenue of the qualified entity in the year the loan is to be applied for; and (2) any portion of the loan will be repaid from funds paid to the qualified entity by the unit.

Definitions

Also amends IC 36-8-12-2 which adds to the definition of volunteer firefighter providing other emergency services.

Insurance

Also amends IC 36-8-12-6 to provide when a volunteer fire company serves more than one unit under contract, each unit shall pay the amount for insurance coverage by step 1, for each census block or other area in a unit served by

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**PUBLIC LAW 70 (continued)**

more than one volunteer company, divide the population of the area by the number of companies serving the area and round the quotation to the nearest one thousandth (.001). Step 2 add the quotients determined under step 1 for the unit. Step 3 determine the sum of step 2 amounts for all units served by the same volunteer fire company. Step 4 divide step 2 amount for a unit by step 3 amount and round the quotient to the nearest one thousandth (.001). Step 5 multiply the cost of insurance for the company of volunteer fire company by the quotient determined in step 4, rounded to the nearest dollar.

Service Charges

Amends IC 36-8-12-13 to provide a volunteer fire company may impose a charge on a responsible party involved in a hazardous material or fuel spill or chemical or hazardous material related fires. Money collected may be deposited in the township firefighting fund under IC 36-8-13-4; used to pay principal and interest on a loan under IC 22-12-6.5; or used for the purchase of equipment, buildings, and property for firefighting, fire protection, and other emergency services.

Also amends IC 36-8-12-16 to provide the schedule of charges for services are not to exceed the state fire marshal's recommended scheduled services. Also provides for the collection of services charges for extinguishing, containing, or cleaning up of hazardous materials. Additionally, provides bills be submitted within thirty days after services are provided. Also provides that the volunteer fire company shall use revenue collected under the section for (1) purchase of equipment, buildings, and property for firefighting, fire protection, or other emergency services; (2) deposit in the township fire- fighting fund established under IC 36-8-13-4,; or (3) pay principal and interest on a loan under IC 22-12-6.5.

Donations

Amends IC 36-8-13-4 to provide for donations for other emergency services.

Not-For-Profit Audits

Also amends IC 5-11-1-9 to provide examination of a not-for-profit deriving less than 50% or at least 50% but less than \$60,000 of it's disbursements fro, public funds shall be limited to matters relevant to the use of the public money.

**PUBLIC LAW 72 - SENATE ENROLLED ACT 245 - EFFECTIVE JULY 1, 1995 STATE BOARD OF ACCOUNTS MEETINGS; BOARD OF FINANCE** Amends IC 5-11-14-1 to define official as (1) elected official entitled to attend a conference under the section. (2) Individuals elected to an office entitled to attend a conference. (3) A deputy or assistant to an elected official entitled to attend.

Board of Finance

Also amends IC 5-13-7-6 to require each local board of finance to review the reports submitted by IC 5-13-7-7.

IC 5-13-7-7 is added providing during the annual meeting required by IC 5-13-7, the investment officer shall make a written report to the investing officer's local board of finance summarizing the political subdivision's investments during the previous calendar year. The report must contain the name of each financial institution, government agency or instrumentality, or other person with whom the political subdivision invested money during the previous calendar year. The local board of finance shall do the following at the meeting: (1) review the report; and (2) review the overall investment



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**PUBLIC LAW 72 (continued)**

policy of the political subdivision.

Investments

IC 5-13-9-2 was amended to provide (a) each officer designated in IC 5-13-9-1 may invest funds held by the officer in securities: (1) backed by the full faith and credit of the United States Treasury or fully guaranteed by the United States; and (2) issued by: (A) the United States Treasury; (B) a federal agency; or (C) a federal instrumentality. IC 5-12-9-2 is amended to provide investments may be made only in securities having a stated final maturity of two (2) years or less from the date of purchase.

Adds IC 5-13-9-9 to provide that an officer designated under IC 5-13-9-1 may not (1) purchase securities on margin (2) open a securities margin account for the investment of public funds.

**PUBLIC LAW 73 - SENATE ENROLLED ACT 593 - EFFECTIVE MAY 10, 1995 AND JUNE 1 1995 BOND PROCEEDS** Amends IC 5-13-4-20; IC 36-1-9-2; IC 36-1-12-1.2;

IC 36-1-14.3-4 concerning public fund definitions not including proceeds of bonds payable exclusively by a private entity.

**PUBLIC LAW 74 - HOUSE ENROLLED ACT 1052 - EFFECTIVE MAY 5, 1995 PUBLIC DEPOSITORIES; BOARD OF FINANCE** Amends IC 5-13-7-6 to provide at the annual meeting of the board of finance the membership shall elect a president; and secretary if IC 5-13-7-4(b) does not apply.

Revocation of Depositories

Also amends IC 5-13-8-1 to add item (d) A local board of finance may determine that a financial institution is ineligible to become a depository and receive public funds of the political subdivision if the financial institution:

- (1) is unwilling or unable to perform the banking services reasonably required by the board of finance, considering the volume of the transactions, that are:
  - (A) related to the public funds deposited in a deposit account described in IC 5-13-4-7(1); and
  - (B) required by the political subdivision served by the board of finance to carry out the responsibilities of the state or political subdivision, as determined by the board of finance,;
- (2) is unwilling or unable to comply with the state or federal statute, rule, or other regulation that governs the records or handling of public funds of the state or political subdivision served by the board of finance, as it is determined by the board of finance; or
- (3) is found to be ineligible for any other causes adopted in the written rules of the board of finance and is directly related to the safe handling of public funds.

Also amends IC 5-13-8-7 concerning meetings called for the purpose of revoking a commission for which a depository shall be notified by advance written notice, first class or registered mail not less than twenty (20) days before the meeting in which the depository has the right to be heard. Adds causes for revocation of the commission of any depository.

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**PUBLIC LAW 74 (continued)**

Designation of Depositories

Also amends IC 5-13-8-9(f) to provide if only one financial institution which has a branch or a principal office in a political subdivision is willing to accept public funds, the board of finance for the political subdivision may (1) treat the financial institution as if the financial institution were not located within the political subdivision; and (2) designate one or more financial institutions to receive public funds under the requirements of IC 5- 13-8-9(c).

Public Records

Also amends IC 5-15-6-3 concerning the destruction of public records to provide public records to include records that have been recorded, copied, or reproduced by photographic, photostatic, miniature photographic or optical imaging process that correctly, accurately, and permanently copies, reproduces, or forms a medium for copying or reproducing original records on film or other durable material. Original records may be disposed of in accordance with subsection E, if the record has been copied or reproduced as described and the copy must be treated as an original.

Original records may be disposed of only with the approval of commission according to the guidelines. However, the guidelines established by the commission must require original records may not be destroyed until the requirements of an audit have been satisfied.

**PUBLIC LAW 75 - SENATE ENROLLED ACT 67 - EFFECTIVE APRIL 26, 1995 PUBLIC DEPOSITORIES**

Amends IC 5-13-8-9 to provide if there is no principal office or branch of a financial institution that will accept public funds, the board of finance may designate one or more financial institutions with the principal office or branch outside of the political subdivision.

**PUBLIC LAW 77 - HOUSE ENROLLED ACT 1331 - EFFECTIVE VARIOUS DATES PUBLIC RECORDS**

AMENDS IC 5-14-3 providing persons with information is an essential function of government and an integral part of the routine duties of public officials and employees. States procedures on providing information on disk or tape and storage. Provides relief from liability for public officials who unintentionally disclose confidential or erroneous information in response to a request.

**PUBLIC LAW 78 - HOUSE ENROLLED ACT 1582 - EFFECTIVE JULY 1, 1995 PUBLIC RECORDS** Amends IC 5-14-3-8 to provide the fiscal body as defined in IC 36-1-2-6 shall establish the fee schedule for copying. The fees must be uniform throughout the public agency and uniform to all purchasers. Also amends item (f) to provide with certain exceptions the public agency shall collect any certification, facsimile transmission fee specified by statute or ordered by the court.

**PUBLIC LAW 79 - SENATE ENROLLED ACT 248 - EFFECTIVE JULY 1, 1995 PUBLIC RECORDS**

Amends IC 5-15-1-1 to provide that any officer, office, department, or employee of the state may have or cause to have records, recorded, copied, or reproduced by any optical imaging process that correctly and accurately copies, reproduces, recreates, or forms a medium of copying or reproducing the original record, document, plat, paper, or instrument-in-writing.

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**PUBLIC LAW 80 - HOUSE ENROLLED ACT 1592 - EFFECTIVE JULY 1, 1995 PUBLIC RECORDS** Adds IC 5-15-5.1-6.5 which does not apply to printed documents in stock before July 1, 1995. Requires all forms, questionnaires, and other printed or electronic documents: (1) that are used by public agency to request information on the racial or ethnic identification of a respondent; and (2) that contain an enumeration of racial and ethnic classification from which the respondent must select a classification; must include among the choices the classification of multiracial which means having a biological parent who is of different race from the other biological parent.

**PUBLIC LAW 81 - HOUSE ENROLLED ACT 1435 - JULY 1, 1995, CONSTRUCTION WAGES** Amends House Enrolled Act 1598 - 1995 concerning construction wages Item (c) to provide the committee is not required to consider information not presented to the committee at the meeting. Also amends IC 5-16-7-1 (j) to provide the chapter applies to projects leased with an option to purchase. Also amends IC 5-16-7-4 concerning the wages.

**PUBLIC LAW 82 - HOUSE ENROLLED ACT 1398 - EFFECTIVE VARIOUS DATES PUBLIC WORKS, PUBLIC PURCHASES** Amends IC 5-16-7-5 effective May 10, 1995 to provide that IC 5-16-7 except as provided in IC 36-1-14.3, does not apply to person with an operating agreement with another political subdivision.

Also amends IC 36-1-9-1 to provide the chapter applies to purchases or leases of materials for which payments are made by the political subdivisions or agencies thereof. The chapter does not apply to a person with an agreement with a political subdivision under IC 36-1-14.3.

Amends IC 36-1-9-2 to define public funds as all funds (A) derived from the established revenue sources of a political subdivision or agency; and (B) deposited in a general or special fund of a political subdivision or agency.

Specifications defined as a description of physical characteristics or nature of materials and may include a description of a requirement for inspecting, testing or preparing materials for delivery. Also amends IC 36-1-9-3 - concerning access to the proposals shall be determined under IC 36-1-14.3-11.

Quotes

Also amends IC 36-1-9-4 to provide a purchasing agent acting under the section must invite quotes from at least three persons.

Also amends IC 36-1-9-4.5 to provide the section applies whenever the (1) total price of each line or class of materials to be purchased annually; or (2) annual rental payment on a lease of materials is less than twenty-five thousand dollars (\$25,000). The purchasing agent may: (1) comply with provisions of IC 36-1-9-4; (2) purchase or lease the materials in the open market without inviting or receiving; or (3) adopt other reasonable procedures.

Disposal of Property

Amends IC 36-1-11-1 provides the chapter does not apply to the disposal of property to a person under an agreement between the person and political subdivision or agency thereof under IC 36-1-14.3.

Amends IC 36-1-1-2 to provide property means all personal property, fixtures, furnishings, inventory, and equipment; and real property to be included in a disposal. Also amends IC 36-1-11-3 to provide the fiscal body of a unit must approve every sale of real property having an appraised value of fifty

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**PUBLIC LAW 82 (continued)**

thousand dollars (\$50,000) or more and every lease of real property for which the annual rental payments will be more than twenty-five thousand dollars (\$25,000) or more.

Amends IC 36-1-11-12 concerning access to proposals under IC 36-1-14.3-11.

**PUBLIC LAW 82 (continued)**

Also provides the person submitting the successful proposal is not responsible for the requirements in IC 36-1-9 if the purchase of materials was included within the proposal or the materials are not paid for with public funds.

IC 36-1-11-17 is added as a new section providing if property disposed of is to be reconveyed or automatically returned to the political subdivision or agency of a political subdivision that disposed of the property, the terms of the reconveyance or return shall be agreed to before the disposal. If the terms of the reconveyance are not set forth before the disposal, the political subdivision shall obtain at least two (2) appraisals and pay not more than the average of the two (2) appraisals.

Public Works

IC 36-1-12-1.2 is amended to provide various definitions concerning public works.

IC 36-1-12-3 also is amended to provide that boards may perform public works with their work force (under certain conditions) if the cost of the public works projects is estimated to be less than one hundred thousand dollars (\$100,000).

IC 36-1-12-4 is amended to apply whenever the cost of a public works project will be at least twenty-five thousand (\$25,000).

IC 36-1-12-5 is amended to provide if the board rejects all quotes under IC 36-1-12-4, the board may negotiate and enter into agreements for the work in the open market without inviting or receiving quotes if the board establishes in writing the reasons for rejecting the quotes.

IC 36-1-12-13.1 concerning payment bonds apply if the cost of the public work is estimated to be more than one hundred thousand dollars (\$100,000).

IC 36-1-14.3 is added to provide a "BOT agreement" may be entered into between a political subdivision and operator to construct, operate, and maintain a public facility and to transfer the public facility back to the political subdivision at an established future date. (Marion County)

Repeals IC 36-1-9-2.5; IC 36-1-12-1.4; IC 36-1-12-1.6; IC 36-1-12-2.2;  
IC 36-1-12-2.4; IC 36-1-12-12.6.

**PUBLIC LAW 84 - SENATE ENROLLED ACT 313 - EFFECTIVE MARCH 1, 1995 (RETROACTIVE)**  
**ASSESSING** Amends IC 6-1.1-35-3 concerning amounts received by assessing officials attending State Tax Board meetings.

**PUBLIC LAW 85 - HOUSE ENROLLED ACT 1782 - EFFECTIVE JULY 1, 1995 TAX LEVIES** Amends IC 6-1.1-17-16 to provide the state board of tax commissioners shall give the political subdivision written notification specifying any revision, reduction, or increase the State Tax Board proposes in the tax levy or tax rate. The political subdivision has one (1) week from the date of receiving the notice to provide a written response to the State Tax Board's Indianapolis

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**PUBLIC LAW 85 (continued)**

office specifying how to make the required reductions in the amount budgeted. Amends and adds to IC 6-6-2.5 - special fuel taxes.

**PUBLIC LAW 86 - HOUSE ENROLLED ACT 1121 - EFFECTIVE JULY 1, 1995 TAX LEVIES** Also amends IC 6-1.1-5-4 concerning State Tax Board notification on budget appeals and provides that tax board shall make a final determination not more than twelve (12) months after the appeal request is denied.

**PUBLIC LAW 87 - HOUSE ENROLLED ACT 1682 - EFFECTIVE JULY 1, 1995 TOWNSHIP TAX RATES**

Amends IC 6-1.1-18.5-13 to provide permission for a township to increase its levy in excess of limitations if the township can show the need to increase the property tax rate to pay the cost of furnishing fire protection, enables the township to pay a fair and reasonable amount under a contract with a municipality furnishing fire protection. However, the first time the appeal is granted the resulting rate increase may not exceed fifty percent (50%) of the difference between the rate imposed for fire protection within the municipality providing protection to the township and the township's rate. Townships are required to appeal a second time for further increases.

**PUBLIC LAW 92 - SENATE ENROLLED ACT 261 - EFFECTIVE JANUARY 1, 1996 MEDICAL CARE SAVINGS** Adds IC 6-3-2-18 and IC 6-8-11 concerning medical care savings payments.

**PUBLIC LAW 93 - SENATE ENROLLED ACT 576 - EFFECTIVE JANUARY 1, 1996 MEDICAL CARE SAVINGS** Amends and adds to various sections of IC 12-15-12, IC 12-15-37, IC 12-15-38 and IC 27-8-8 concerning regulations pertaining to PL 92-1995.

**PUBLIC LAW 162 - HOUSE ENROLLED ACT 1020 - EFFECTIVE MAY 1, 1995 POOR RELIEF - BURIAL EXPENSES**

Amends IC 12-20-16-12 to provide if an individual is a resident of a state institution at the time of death, the division that has administrative control of the state institution shall reimburse the township trustee for the necessary and reasonable expenses of burial of the deceased individual. The township trustee shall submit to the division with administrative control an itemized claim for reimbursement of the necessary and reasonable burial expenses incurred. For individuals that are residents of special institutions under IC 16-33 at the time of death, the State Department of Health shall reimburse the township trustee for necessary and reasonable expenses of burial. The township trustee shall submit to the Department of Health an itemized claim for reimbursement.

**PUBLIC LAW 164 - HOUSE ENROLLED ACT 1396 - EFFECTIVE JULY 1, 1995 DEVELOPMENT COMMISSIONS** Amends IC 13-7-10.1 concerning the appointment of one member representing the township legislative bodies.

Also adds IC 36-7-4-504.5 concerning comprehensive plan development and the establishment of advisory committee of citizens a majority of whom shall be nominated by the township legislative body. Also adds IC 36-7-4-608.5 concerning public hearings to be conducted if requested by the township legislative body for proposed zoning map amendments.

**PUBLIC LAW 173 - HOUSE ENROLLED ACT 1384 - EFFECTIVE JULY 1, 1995 FIRE PREVENTION** Adds IC 13-7-20-43 to provide that a unit of local government may not enact or enforce procedures which are in conflict with IC 13-7-20 or rules provided by the fire prevention building and safety commission.

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**PUBLIC LAW 178 - SENATE ENROLLED ACT 571 - EFFECTIVE JULY 1, 1995** Adds IC 14-22-10-2 as added by house enrolled 1047 - 1995 concerning liability on township property.

**PUBLIC LAW 192 - HOUSE ENROLLED ACT 1202 - EFFECTIVE JULY 1, 1995 PUBLIC PURCHASES** Amends IC 16-32-2-8 to provide any unit of local government may buy products and services without advertising or calling for bids under the same conditions as articles produced by the department of corrections under IC 11-10-6-4 for qualified nonprofit agencies.

**PUBLIC LAW 208 - SENATE ENROLLED ACT 351 - EFFECTIVE MAY 10, 1995 ENERGY CONSERVATION MEASURES** Amends IC 36-1-12.5-1 which defines an energy conservation measure means an alteration of a structure as defined in IC 36-1-10-2.

Also amends various sections of IC 36-1-12.5 to provide the chapter applies to political subdivisions.

**PUBLIC LAW 209 - HOUSE ENROLLED ACT 1303 - EFFECTIVE JULY 1, 1995 DISPOSAL OF REAL PROPERTY** Amends IC 20-12-11-2 to provide the board of trustees under the chapter may give or sell real estate by resolution to a political subdivision as defined by IC 36-1-2-13.

**PUBLIC LAW 215 - SENATE ENROLLED ACT 233 - EFFECTIVE JULY 1, 1995 OVERPAID EMPLOYEES** Amends IC 22-2-6-4 to provide if an employer has overpaid an employee, the employer may deduct from the wages the amount of the overpayment. An employer must give an employee two (2) weeks notice before the employer may deduct any overpayment of wages from the employees wages. Employer may not deduct amounts in disputes under IC 22-2-9-3. The amount of the deduction is limited to the maximum part of the aggregate disposable earnings of an employee for any work week and may not exceed the lesser of; (A) twenty-five percent (25%) of the employee's disposable earnings for that the week; or (B) the amount by which the employee's disposable earnings for that week exceed thirty (30) times the federal minimum hourly wage prescribed by 29 USC 206(a)(1) in effect for the time the earnings are payable. For earnings for a pay period other than a week, the earnings must be computed upon the multiple of the federal minimum hourly wage equivalent to thirty (30) times the federal minimum hourly wage as prescribed in the section.

If a single gross wage overpayment is equal to ten (10) times the employee's gross wages earned do to an inadvertent misplacement of a decimal place, the entire overpayment may be deducted immediately.

**PUBLIC LAW 218 - SENATE ENROLLED ACT 85 - EFFECTIVE JULY 1, 1995 EMPLOYEE - LIABILITY** Amends IC 22-5-3-1 concerning employer disclosure of information about former employees.

**PUBLIC LAW 248 - SENATE ENROLLED ACT 336 - EFFECTIVE JULY 1, 1995 BAD CHECKS** Adds IC 26-1-3.1-502.5 which provides that a person receiving a check, a draft, order or like instrument which is dishonored, may for any reason charge and collect from the maker or drawer an amount not to exceed twenty dollars (\$20) plus the amount equal to the actual charge by the depository institution for each returned or dishonored instrument.

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**PUBLIC LAW 256 - SENATE ENROLLED ACT 370 - EFFECTIVE JULY 1, 1995 POLITICAL SUBDIVISION RISK MANAGEMENT FUND POLITICAL SUBDIVISION CATASTROPHIC LIABILITY FUND** Amends IC 27-1-29-14 and IC 27-1-29.1-18 concerning usage of money in the funds.

**PUBLIC LAW 284 - HOUSE ENROLLED ACT 1416 - EFFECTIVE JULY 1, 1995 GOVERNMENTAL EMPLOYEES JUDGMENTS** Amends IC 34-4-16.5-5 concerning lawsuits against governmental employees.

**PUBLIC LAW 288 - SENATE ENROLLED ACT 13 - EFFECTIVE TORT CLAIMS** Amends IC 34-4-16.5 to include in the definition of a public employee, for purposes of the Tort Claims Act, an attorney employed by a governmental entity. Tolls the statute of limitations concerning suits against public servants in certain circumstances.

**PUBLIC LAW 309 - SENATE ENROLLED ACT 70 - EFFECTIVE JULY 1, 1995 PUBLIC PURCHASES** Amends IC 36-1-9-3 to provide for the acceptability of electronic bids by a political subdivision if the political subdivision (1) indicates in the notice issued under IC 36-1-9-3(d), the procedure for transmitting the electronic bid; and (2) receives the electron bid on a fax machine or system with a security feature that protects the content of an electronic bid to the same extent the content of a bid that is not transmitted by fax machine is protected.

**Bid Bonds**

Amends IC 36-1-9-6 for bids exceeding one hundred thousand dollars (\$100,000) a bond, certified check, or other evidence of financial responsibility as specified by the purchasing agent in notice of the bid letting shall be filed with each bid. If a bond or certified check is required as evidence of financial responsibility, the amount may not be set at more than ten percent (10%) of the contract.

**Sole Source**

Amends IC 36-1-9-13 to provide that the giving of notice or the receiving of bids is not required if there is only one (1) source for the materials or supplies and the following requirements are met:

- (A) The purchasing agent; (i) makes a written statement on the agent's determination that there is one (1) source for the materials and supplies; and (ii) includes a copy of the purchasing agent's determination in the contract file.
- (B) The proposed contract for the purchase of the materials or supplies has an expenditure value of more than fifty thousand dollars (\$50,000), the purchasing agent has submitted the contract and the purchasing agent's written determination that there is only one (1) source for the materials or supplies to the executive of the political subdivision, and the executive has approved the purchase in writing.

**Special Procurements**

Also adds IC 36-1-9-16 to provide the executive of a political subdivision may make, or authorize others to make, special procurements under the following:

- (1) There exists, under emergency conditions a threat to public health, welfare, or safety.

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**PUBLIC LAW 309 (continued)**

- (2) There exists an unique opportunity to obtain supplies and services at a substantial savings to the political subdivision.
- (3) The market structure requires the purchasing agent or governing body of the political subdivision to inspect and bid on the supplies to be procured.
- (4) The compatibility of equipment, accessories, or replacement parts is a substantial consideration in the procurement and only one (1) source meets the political subdivision's necessary requirements.
- (5) Procurement of the required supplies or services under another section of the chapter would seriously impair the functioning of the political subdivision.
- (6) Political subdivision has solicited for a procurement under another section of the chapter and has not received a responsive offer.
- (7) Market structure is based on price but the political subdivision is able to receive a dollar or percentage discount on a established price.

Special procurements must be made with such competition as is practicable under the circumstances.

Written determinations of the basis for the special procurement and the selection of a particular contractor must be included in the contract file. Contract records for special procurements must be maintained in a separate file by the purchasing agent and are subject to annual audit by the State Board of Accounts.

Also adds IC 36-1-9-17 to provide bidders or an offeror does not gain a property interest in the award of a contract by a political subdivision unless; (1) the bidder or offeror is awarded the contract; and (2) the contract is completely executed.

Early/Late Performance

IC 36-1-9-18 is also added to provide a political subdivision may specify in a contract that early performance of a contract will result in increased compensation at either: (1) a percentage of the contract amount; or (2) a specified dollar amount; determined by the political subdivision. Political subdivisions may specify the completion of the contract after termination date of the contract would result in the deduction from the compensation at either (1) a percent of contract amount; or (2) a specified dollar amount determined by the political subdivision. Notice of these provisions must be included in the solicitation.

**PUBLIC LAW 310 - HOUSE ENROLLED ACT 1463 AS AMENDED BY HOUSE ENROLLED ACT 1047 - EFFECTIVE JULY 1, 1995 DISPOSAL OF PROPERTY** Amends IC 36-1-11-1 to provide the chapter does not apply to the disposal of real property without consideration to:

- (A) A governmental agency;
- (B) A nonprofit corporation that exists for the primary purpose of enhancing the environment.



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**PUBLIC LAW 312 - SENATE ENROLLED ACT 4 - EFFECTIVE JULY 1, 1995 ENGINEER FEES** Amends IC 36-1-12-7 to increase to one hundred thousand dollars (\$100,000) the threshold for the requirement for an architect or engineer on public works projects.

**PUBLIC LAW 313 - HOUSE ENROLLED ACT 1073 - EFFECTIVE APRIL 26, 1995 DONATIONS** Adds IC 36-1-14 to provide a unit may donate proceeds from the sale of a facility or from a grant, a gift, an endowment, a bequest, or a trust to a foundation under certain conditions. A unit may use income received from a community foundation only for the purposes of the unit.

**PUBLIC LAW 316 - HOUSE ENROLLED ACT 1703 - EFFECTIVE JULY 1, 1995 DRUG AWARENESS** Adds IC 36-4-8-8.1 concerning township funds and drug awareness programs in schools.

**PUBLIC LAW 319 - HOUSE ENROLLED ACT 1193 - EFFECTIVE JULY 1, 1995 TOWNSHIP TRUSTEE COMPENSATION** Amends IC 36-6-6-10 to provide the township board may not reduce the salary of a township trustee without the consent of the trustee during the term of office of the trustee as set forth in IC 36-6-4-2. Also provides when a township trustee dies or resigns from office, the person filing the vacancy shall receive at least the same salary the previous township trustee received for the remainder of the unexpired term of the office of township trustee, unless the person consents to a reduction in salary.

**PUBLIC LAW 326 - SENATE ENROLLED ACT 542 - EFFECTIVE JULY 1, 1995 FIRE PROTECTION TERRITORIES** Amends IC 36-8-19-1 to provide the chapter applies to any geographic area established as a fire protection territory. Also amends IC 36-8-19-8 concerning equipment replacement funds and all participating units must agree to the amount transferred by an adoption of identical resolutions.

Adds IC 36-8-19-8.5 to allow participating units to agree to establish a equipment replacement fund under the section for fire protection equipment to serve the entire territory. Legislative bodies must authorize after January 1 but before April 1 provider unit to establish the fund.

**PUBLIC LAW 328 - HOUSE ENROLLED ACT 1490 - EFFECTIVE APRIL 26, 1995 PARK BOARDS** Amends IC 36-10-3 to allow park boards to lease buildings and grounds used as golf courses without bids.

**PUBLIC LAW 332 - HOUSE ENROLLED ACT 1002 - EFFECTIVE MAY 10, 1995 CAP ON STATE SPENDING COMMITTEE** Established the Committee to study economic issues regarding a cap on state spending.

**PUBLIC LAW 334 - HOUSE ENROLLED ACT 1237 - EFFECTIVE JULY 1, 1995 TOWNSHIP FIRE FIGHTING FUND** Concerns certain township fire fighting fund and general tax levies.

**PUBLIC LAW 340 - HOUSE ENROLLED ACT 1646 - EFFECTIVE VARIOUS DATES STATE BUDGET** makes various changes to IC 4, IC -3-1-3, IC 6-11, IC 8, IC 20, IC 22, and IC 31 to establish the State Budget for fiscal years 1995 - 1997. Changes distribution for property tax replacement.